

<b>Interview Summary</b>	Application No. <b>09/601,019</b>	Applicant(s) <b>Rombi, M.</b>
	Examiner <b>Patricia Patten</b>	Art Unit <b>1651</b>

All participants (applicant, applicant's representative, PTO personnel):

(1) Patricia Patten

(3) \_\_\_\_\_

(2) Ms. Jennifer Topmiller

(4) \_\_\_\_\_

Date of Interview Oct 2, 2002

Type: a) Telephonic      b) Video Conference  
 c) Personal [copy is given to 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes      e) No. If yes, brief description:

Proposed After Final Amendment

Claim(s) discussed: 1, 3-5, and 22

Identification of prior art discussed:

Kimura et al.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Ms. Topmiller contended that the green tea present in the Instant specification was not disclosed in Kimura et al. However, it was discussed that 'green tea' is commonly known in the art as C. sinesinsis, and the ordinary artisan would have recognized it as such. Ms. Topmiller further commented that Kimura did not state the use of green tea for the intended purpose of the claims, however, it was discussed that the intended use was not given much weight since these are composition claims. Discussed that the particular species of tea as well as the particular 80% alcohol extract were not present in claims. Suggested either 1) the incorporation of the phrase 'consisting of' to replace 'comprising' in order to overcome the prior art references, as well as the incorporation of the particular extraction which provides for the synergistic amount of catechin and caffeine (80% alcohol extract). Relayed to Ms. Topmiller that incorporation of the 80% alcohol extraction would result in a new consideration and/or search of the claims.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required